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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,484	03/11/2005	Bastiaan Antonius Vriesema	PTT-204(402835US)	5345
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MICHAELSON & ASSOCIATES			DONABED, NINOS J	
P.O. BOX 8489			ART UNIT	PAPER NUMBER
RED BANK, NJ 07701			2109	
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			08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,484

Applicant(s)

VRIESEMA, BASTIAAN
ANTONIUS

Examiner

Ninos Donabed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/11/2002.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the misspelling of “**from**” spelled “**form**” on line 14 of page 4 of the specification.

Appropriate correction is required.

2. The use of the **BLUETOOTH®** trademark has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

3. Claim 6 is objected to because of the following informalities: an extra “_” in “**user**” and “**for using**” should be replaced with “**to use**”, both errors are on line 4.

Appropriate correction is required.

4. Claims 12 and 13 are objected to because of the following informalities: the reference to the “**Platform**” in Claim 5 should instead be a reference to the “**Platform**” of Claim 11. For examination purposes, the “**Platform**” in Claims 12 and 13 will refer to the “**Platform**” of Claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The method in claims 1-11 refers to an abstract idea, which by definition is one of the **Judicial Exceptions**.

The conversion of data from one type to data of another type does not constitute patentable subject matter under 35 U.S.C. 101 because in this case, it is so broad and sweeping that it covers every substantial practical application of the abstract idea embodied and thus preempts the idea.

Thus, the “**method**” does not meet the statutory requirements for patent eligibility under 35 U.S.C. 101.

The “**platform**” in Claims 11-13 does **not** fall into one of the statutory categories: machine, manufacture, composition of matter, or process, under 35 U.S.C. 101. It is an abstract idea and therefore a judicial exception.

The conversion of data from one type to data of another type does not constitute patentable subject matter under 35 U.S.C. 101 because in this case, it is so broad and

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sweeping that is covers every substantial practical application of the abstract idea embodied and thus preempts the idea.

Thus, the “**platform**” in Claims 11-13 does **not** meet the statutory requirements for patent eligibility under 35 U.S.C. 101.

The computer program, **software**, in Claim 14 does **not** fall into one of the statutory categories: machine, manufacture, composition of matter, or process, under 35 U.S.C. 101. It is an abstract idea and therefore a judicial exception.

The computer program, **software**, in Claim 14 is **not** a practical application of a judicial exception. It refers to functional descriptive material because it lacks storage on a medium. Furthermore the conversion of data from one type to data of another type does not constitute patentable subject matter under 35 U.S.C. 101 because in this case, it is so broad and sweeping that is covers every substantial practical application of the abstract idea embodied and thus preempts the idea.

Thus, the “**software**” does **not** meet the statutory requirements for patent eligibility under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

6. Claims 4 and 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 4 and 10 recite the limitation "**said server**" in **Line 2** of each of the claims. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not recite "**a server**".

Claim 4 recites the limitation "**the same physical location**" in Line 3 of the claim. The use of the phrase "**the same physical location**" makes the claim unclear.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-14 rejected under U.S.C. 102(b) as being anticipated by Tso et al. (U.S. Patent No. 6,421,733), hereinafter, referred as Tso.

Regarding claim 1, Tso teaches a method for converting a first type of data into a second type of data comprising the steps of:

selecting or entering by an originating network-user the first type of data, (**See Col.14 Lines 1-36, Tso discloses a user selected URL which is sent as a request to a server**)

associating an object with the first type of data, sending the first type of data (10) via a network to a service platform, (**See Col.14 Lines 21-46 and Figs. 7 and 8, Tso discloses a URL object sent via the internet to be retrieved by server**)

and thereafter converting the first type of data into the second type of data at the service platform. **(See Col.14 Lines 47-63, Tso discloses a transcoder for converting the user request to a transcoded version)**

Regarding claim 2, Tso further teaches that said first type of data is sent to the service platform **(Fig. 3, 20)** via a server **(Fig. 1, 10)** connected to the network **(Fig. 1, 18)**.

Regarding claim 3, Tso further teaches that said network is a mobile network. **(See Col. 2 Line 56 - Col. 3 Line 17, Tso discloses a wireless network)**

Regarding claim 4, Tso further teaches that said service platform **(Fig. 3, 20)** and said server **(Fig. 3, 34)** are located at the same physical location. **(See Fig. 3)**

Regarding claim 5, Tso further teaches that said second type of data is sent as a data stream to a receiving network-user. **(See Col. 14 Lines 47-63, Tso discloses transcoding of data prior to sending it to a user)**

Regarding claim 6, Tso further teaches that a payment mechanism is used to enable the originating network-user or the receiving network user for using the service platform. **(See Col. 16 Lines 15-38, Tso discloses a user payment for preferred service)**

Regarding claim 7, Tso further teaches that said first type of data is associated with an electronic file or any type of electronic document. **(See Col. 3 Lines 45-65, Tso discloses different types of data content that can be transcoded)**

Regarding claim 8, Tso further teaches that the network to which the originating network-user is connected is not the same as the network to which the receiving network-user is connected. **(See Col. 2 Line 67, Since the network client 12 may use a POTS dialup or wireless connection, the originating and receiving network-user may not be connected to the same network)**

Regarding claim 9, Tso further teaches that the originating network-user uses an identification code before making use of the service platform. **(See Col. 16 Lines 24-38, Tso discloses a password requirement for transcoding a requested object)**

Regarding claim 10, Tso further teaches that a code is used to identify the server. **(It is inherent that a code is needed to identify a server, otherwise, it is impossible for the user to connect to a particular server)**

Regarding claim 11, Tso teaches a Platform for converting a first type of data into a second type of data, the platform comprising:

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means for selecting or entering by an originating network-user the first type of data, **(See Col.14 Lines 1-36, Tso discloses a user selected URL which is sent as a request to a server)**

means for associating an object with the first type of data, means for receiving the selected or entered first type of data via a network, **(See Col.14 Lines 21-46 and Figs. 7 and 8, Tso discloses a URL object sent via the internet to be retrieved by server.)**

means for thereafter converting the first type of data into the second type of data. **(See Col.14 Lines 47-63, Tso discloses a transcoder for converting the user request to a transcoded version)**

Regarding claim 12, Tso further teaches that said first type of data is received via a server connected to the network. **(See Figs. 1, 3, and 5, Tso discloses “data” being sent through a server that is connected using the Internet to a service platform.)**

Regarding claim 13, Tso further teaches that said second type of data is sent as a data stream to a receiving network-user; **(See Col. 14 Lines 47-63, Tso discloses transcoding of data prior to sending it to a user)**

and a payment mechanism is used to enable the originating network-user or the receiving network user for using the service platform. **(See Col. 16 Lines 15-38, Tso discloses a user payment for preferred service)**

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Regarding claim 14, Tso teaches a software for converting a first type of data into a second type of data, the software comprising:

modules for selecting or entering by an originating network-user the first type of data, **(See Col.14 Lines 1-36, Tso discloses a user selected URL which is sent as a request to a server)**

modules for associating an object with the first type of data, modules for receiving the selected or entered first type of data via a network **(See Col.14 Lines 21-46 and Figs. 7 and 8, Tso discloses a URL object sent via the internet to be retrieved by server.)**

modules for thereafter converting the first type of data into the second type of data. **(See Col.14 Lines 47-63, Tso discloses a transcoder for converting the user request to a transcoded version)**

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kruegar et al. (US Patent No. 5,996,022) teaches how to transcode data in a proxy computer prior to transmitting the audio to a client.

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10. Any response to this Office Action should be **faxed** to (571) 272-8300 or **mailed** to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

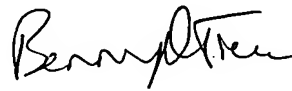
Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ninos Donabed whose telephone number is (571) 270-3526. The examiner can normally be reached on Monday-Thursday, 8:00 AM-5:00 PM EST.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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13.. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BENNY TIEU
SPE/TRAINER